United Nations

A/65/470

General Assembly

Distr.: General
10 November 2010
English
Original: Spanish

Sixty-fifth session
Agenda item 82

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the sixty-fifth session of the General Assembly in accordance with Assembly resolution 63/125 of 11 December 2008.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 12th, 13th and 27th meetings, on 15 and 18 October and 5 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.12, 13 and 27).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (A/65/138 and A/65/138/Add.1).

II. Consideration of draft resolution A/C.6/65/L.15

5. At the 27th meeting, on 5 November, the representative of Sweden, on behalf of Albania, Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, the Congo, Costa Rica, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the

10-54767 (E) 301110

Please recycle

Congo, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) and Zambia, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/65/L.15).

6. At the same meeting, the Committee adopted draft resolution A/C.6/65/L.15 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its biennial resolutions on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, including its resolution 63/125 of 11 December 2008,

Having considered the report of the Secretary-General,[1]

Reaffirming the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for those rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the need to consolidate the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level, and expressing concern about all violations of the Geneva Conventions of 1949[2] and the Additional Protocols,[3]

Calling upon Member States to disseminate knowledge of international humanitarian law as widely as possible, and calling upon all parties to armed conflict to apply international humanitarian law,

Noting with satisfaction the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law,

Noting with appreciation the meetings of representatives of those bodies organized by the International Committee of the Red Cross to facilitate the sharing of concrete experience and the exchange of views on their roles and on the challenges they face,

Stressing the possibility of making use of the International Humanitarian Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I[4] to the Geneva Conventions,

Stressing also the possibility for the International Humanitarian Fact-Finding Commission to facilitate, through its good offices, the restoration of an attitude of respect for the Geneva Conventions and Protocol I,

Taking note of the fact that, in paragraphs 8 and 9 of its resolution 1894 (2009) of 11 November 2009, the Security Council noted the range of existing methods used, on a case-by-case basis, for gathering information on alleged violations of

---

[1] A/65/138 and Add.1.
[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[3] Ibid., vol. 1125, Nos. 17512 and 17513, and vol. 2404, No. 43425.
[4] Ibid., vol. 1125, No. 17512.

applicable international law relating to the protection of civilians, underlined the importance in that regard of receiving information that is timely, objective, accurate and reliable, and considered the possibility, to that end, of using the International Humanitarian Fact-Finding Commission established by article 90 of Protocol I,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the Additional Protocols,

Noting the special responsibilities of national Red Cross and Red Crescent societies, as auxiliaries to the public authorities of their respective States in the humanitarian field, to cooperate with and assist their Governments in the promotion, dissemination and implementation of international humanitarian law,

Noting also that the year 2009 marked the sixtieth anniversary of the adoption of the Geneva Conventions, and welcoming the various high-level meetings and seminars organized to celebrate that event, which gave new momentum to efforts to strengthen and improve implementation of international humanitarian law,

Calling upon Member States to actively participate in the Thirty-first International Conference of the Red Cross and Red Crescent, to be held in Geneva in November 2011,

Noting the serious concern expressed by States regarding the humanitarian impact caused by cluster munitions, and taking note of the entry into force of the Convention on Cluster Munitions[5] on 1 August 2010 and the ongoing negotiation of a proposal on this subject within the context of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[6]

Welcoming the significant debate generated by the publication in 2005 of the study by the International Committee of the Red Cross on customary international humanitarian law and recent initiatives by the Committee, including the online launch of the updated study, as well as the growing number of translations into other languages of parts of the study, and looking forward to further constructive discussion on the subject,

Acknowledging the fact that the Rome Statute of the International Criminal Court[7] covers the most serious crimes of international concern under international humanitarian law and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Noting the amendments to article 8 of the Rome Statute of the International Criminal Court, relating to war crimes under the Statute, adopted at the Review Conference of the Rome Statute, held in Kampala, on 10 June 2010,[8]

---

[5] A/C.1/63/5, enclosure, part II.

[6] United Nations, *Treaty Series*, vol. 1342, No. 22495.

[7] Ibid., vol. 2187, No. 38544.

[8] See resolution RC/Res.5 of the Review Conference.

Acknowledging the usefulness of discussing in the General Assembly the status of instruments of international humanitarian law relevant to the protection of victims of armed conflicts,

1. *Welcomes* the universal acceptance of the Geneva Conventions of 1949,[2] and notes the trend towards a similarly wide acceptance of the two Additional Protocols of 1977;[9]

2. *Calls upon* all States parties to the Geneva Conventions that have not yet done so to consider becoming parties to the Additional Protocols[3] at the earliest possible date;

3. *Calls upon* all States that are already parties to Protocol I,[4] or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol and to consider making use, where appropriate, of the services of the International Humanitarian Fact-Finding Commission in accordance with the provisions of article 90 of Protocol I;

4. *Calls upon* all States that have not yet done so to consider becoming parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto[10] and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict;

5. *Calls upon* States to consider becoming parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[11]

6. *Calls upon* all States parties to the Protocols Additional to the Geneva Conventions to ensure their wide dissemination and full implementation;

7. *Affirms* the necessity of making the implementation of international humanitarian law more effective, and supports its further strengthening and development;

8. *Notes with appreciation* the adoption at the Thirtieth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007, of resolution 3 entitled "Reaffirmation and implementation of international humanitarian law: preserving human life and dignity in armed conflict", which, inter alia, reiterates the obligation of States to take national measures to implement international humanitarian law, including training the armed forces and making this law known among the general public, as well as adopting legislation to punish war crimes in accordance with their international obligations;

9. *Welcomes* the activities of the Advisory Service on International Humanitarian Law of the International Committee of the Red Cross in supporting efforts made by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments, and notes in particular the new manual on domestic implementation of international humanitarian law;

10. *Also welcomes* the increasing number of national commissions or committees for the implementation of international humanitarian law and for

[9] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.
[10] Ibid., vol. 249, No. 3511, and vol. 2253, No. 3511.
[11] Ibid., vol. 2173, No. 27531.

promoting the incorporation of treaties on international humanitarian law into national law and disseminating the rules of international humanitarian law;

11. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

12. *Encourages* Member States and the International Committee of the Red Cross, in transmitting information to the Secretary-General, to focus on new developments and activities during the reporting period;

13. *Encourages* Member States to explore ways of facilitating the submission of information for future reports of the Secretary-General and, in this context, to consider the convenience of drawing up guidelines or a questionnaire by Member States, where necessary with the assistance of the International Committee of the Red Cross, at the request of Member States and, as appropriate, in consultation with the Secretariat;

14. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".